

PIKE COUNTY PROJECT DEVELOPMENT BOARD

MEETING MINUTES

Pike County Courthouse  
Pikeville, Kentucky

AOC CONSTRUCTION FILE  
COUNTY: PIKE ✓  
FILE CODE: PDB1 ✓  
SUBMITTED BY: JL  
DATE: 3/11/08

SPECIAL CALLED MEETING

February 28, 2008

**CHAIR:** Pike County Judge/Executive Wayne T. Rutherford

**MEMBERS OF THE BOARD PRESENT:**

Citizen at Large Hon. Charles E. Lowe, Jr.  
AOC Project Manager Jeff Lilly  
Circuit Judge Eddy Coleman  
State Bar Association Representative Neal Smith  
Circuit Court Clerk David Deskins  
District Judge Darrell Mullins  
City Manager/AOC Representative Donovan Blackburn  
Magistrate Jeff Anderson

**OTHERS PRESENT:**

Bobby Branham, Executive Assistant to Judge/Executive  
Jeanne Robinson, Executive Assistant to Judge/Executive,  
Acting Recorder  
Frankie Justice, Mayor of the City of Pikeville  
Dave Robinette, Codell Construction  
Steve Sherman, Sherman, Carter, Barnhart  
Newby Walters, Sherman, Carter, Barnhart

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Judge/Executive Wayne T. Rutherford, Chair of the Pike County Project Development Board, brought to order a special called meeting of the Board on February 28, 2008, at 5:00 p.m., in the Pike County Fiscal Courtroom, Pike County Courthouse, 146 Main Street, Pikeville, Kentucky.

Judge Rutherford asked for a motion to approve the minutes of the February 6, 2008 meeting. **Upon motion by Neal Smith and second by Donovan Blackburn, the Board unanimously APPROVED the minutes.**

Judge Rutherford stated that he wanted to update the Board in regard to letters of appraisal amounts for property that were sent to all property owners involved in locations under consideration for the new Pike County Judicial Center. Judge Rutherford stated these letters were sent by certified mail, return receipt requested with the return being sent to his office. He stated his office received two responses as of the February 28,

2008, 5 p.m., EST deadline. The first to respond was Lonnie Johnson on February 20, 2008. He replied he was not interested and that he planned to develop this property himself. Will T. Scott's reply stated that he had never envisioned selling the property, that he had other plans for the property. However, he thought the offer was fair and he would accept it. Judge Rutherford noted that we did not receive anything from the remaining property owners. He went on to say the members of the Board understand the condemnation proceedings and that we need to begin the process so the project can move forward.

State Bar Representative Neal Smith said Jim Bo Thompson had stopped by his office and he saw Ben Cassidy in the neighborhood. They both stated they would accept the offer on the Weddington Theater but would not accept the offer on the law office and Artisan Center. Judge Rutherford asked Mr. Smith to get this in writing for the records. Mr. Smith said he had asked them to submit this in writing and thought we should have already received it.

Judge Coleman asked Mr. Smith if he had heard from Don Combs on the Combs property. Mr. Smith stated Dixon Nunnery was appraising the property for the Combs Family and the family should receive their appraisal this week. Judge Rutherford asked if we could expect a response from the Combs family. Mr. Smith said he thinks so and it would be in line with Dixon Nunnery's appraisal.

Judge Rutherford called upon Jeff Lilly, AOC Project Manager to guide the Board through the next steps. Jeff Lilly stated that we must get a written response from the Weddington Theater property owners stating their intentions. In regard to the property owners we have not received a response from or an acceptance in writing it would be the Board's decision to make the motion to move to proceed with eminent domain if that is what the Board chooses to do.

Mr. Smith related that Robert Pinson telephoned his office and advised him that he rejects the AOC's offer due to the value Mr. Collier had placed on the property. Judge Rutherford said we are getting feedback from just about all of the property owners.

Mr. Coleman stated the Keene family had attended several of our meetings. Judge Rutherford asked who had talked to them last. Mr. Smith said he met with them last and they too didn't seem to have any resistance to the AOC acquiring their property but their proposal was much more than Mr. Collier's proposal.

City Manager and AOC Representative Donovan Blackburn discussed the option of the condemnation process and how it would work for the property owners who did not agree to accept the AOC's offer. Judge Rutherford said we need to make sure the condemnation process doesn't hold up our project once we start the process.

Judge Rutherford asked Mr. Lilly if he had any other facilities in this same situation. He replied he did have a few across the state and they seem to be getting a little more numerous. He said he had one project in Boyd County that has three properties under condemnation at this point and the project is actually 25% through the construction of the facility. He added it would shake out eventually through the court system for those

three individual properties. He said this would be very similar type situation. He said proceeding with condemnation doesn't stall the project in any way.

**Upon motion by Judge Coleman and second by Mr. Smith, the Board unanimously APPROVED asking the Pike County Fiscal Court to proceed with condemnation proceedings for those who have not responded.**

Judge Rutherford inquired to who would make the presentation to the Fiscal Court. Mr. Blackburn stated he felt all members should be present to answer questions. Mr. Coleman said he agreed with Mr. Blackburn. He said he also felt we needed a representative from our architect firm to give a presentation on the site selection not only for the Fiscal Court but also for the public and the press so they will know what is going on.

Judge Rutherford said he wanted to add that before he signed the offer letters that were sent out to the property owners he telephoned Jeff Lilly to inquiry if there was money available in the budget to raise this block and tear the buildings down. He said Mr. Lilly reassured him there was, so he signed the letters and mailed them out.

Judge Rutherford suggested Mr. Smith represent the Board at the Fiscal Court Meeting. Mr. Smith said he had depositions in Lexington and might not be able to get back in time for the meeting. Mr. Coleman suggested Mr. Blackburn do the presentation. Mr. Blackburn said he would be happy to address the Fiscal Court on behalf of the Board.

Jeff Lilly said Mr. Blackburn could lead the show and that he would also be present. He said someone from Sherman, Carter, Barnhart and Codell would be present and hopefully most of the Board members to show support.

Judge Rutherford made a request to Jeanne Robinson, acting recorder, to advise the County Attorney's office that the AOC Board would be asking the Fiscal Court to proceed with condemnation proceedings. Judge Rutherford pointed out that the County Attorney needed to be informed because he would be advising the Court and making a recommendation in regards to condemnation proceedings.

With no further business to come before the Board at this time, Chair Rutherford ADJOURNED the meeting.

Respectfully submitted,

Jeanne Robinson  
Executive Assistant